

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DENNIS MARTINEZ, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	1:20-cv-03338 (VEC)
	:	
- against -	:	
	:	
ANDREW M. CUOMO, in his official capacity as	:	
Governor of New York State,	:	
	:	
Defendant.	:	
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**DECLARATION OF TIM RUFFINEN IN OPPOSITION TO PLAINTIFFS' MOTION
FOR A PRELIMINARY INJUNCTION**

I, TIM RUFFINEN, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is correct:

1. My name is Tim Ruffinen and I serve as the Deputy Communications Director for Human Services in the Office of Governor Andrew M. Cuomo.
2. As part of my work, I serve as a liaison between the Press Information Office and the Media Services Center, a part of the New York State Office of General Services. I ensure that the Media Services Center is notified whenever the Governor does a media event and assigns the appropriate technical staff to provide a live webstream and satellite feed of the event. The information contained in this declaration is based on my personal knowledge and a review of documents in my possession.
3. I have been involved in ensuring that the Governor's regular daily press conference on the COVID-19 public health emergency reaches as many New Yorkers as possible, including the deaf and hearing impaired. The Governor's Office uses various means to communicate with this community.

4. On March 2, 2020, Governor Cuomo started holding a regular daily press conference on the COVID-19 public health emergency.
5. Since that date, the Governor has conducted this press conference on a daily basis, with the exception of March 14, 2020, when he held a phone call with the media. The Governor's Office prepared a transcript of that phone call and posted it on the Governor's website immediately after the call. Transcripts are typically posted no later than a few hours from the conclusion of the event, and usually by 4pm on the day of the event.
6. Information about the timing of the regular daily COVID-19 press conference is distributed via the Governor and New York State's social media platform and the Governor's email distribution list, and is added to the Governor's website at least 30 minutes prior to the start of the regular daily COVID-19 press conference.
7. Anyone can sign up for the email distribution list to receive updates related to the COVID-19 public health emergency by visiting <https://coronavirus.health.ny.gov/home>.
8. During the regular daily press conference, the Governor frequently utilizes a PowerPoint presentation. The presentation includes slides of facts and figures related to the COVID-19 public health emergency that are usually displayed as graphs or charts. The presentation also includes slides with text explaining important announcements related to the COVID-19 public health emergency.
9. Since March 2, 2020, the Governor's Office and Media Services have provided closed captioning for all of the Governor's regular daily press conferences addressing COVID-19. A person listens to the real time audio of the conference and transcribes what is being said.

10. Since March 27, 2020, the Governor's Office has made a simultaneous American Sign Language ("ASL") broadcast of these regular daily press conferences available via its webstream. This ASL broadcast contains a split screen of the Governor's briefing and the ASL interpretation.
11. The ASL broadcast is done by a Certified Deaf Interpreter ("CDI") to provide the simultaneous ASL interpretation of the Governor's daily COVID-19 press conference. A CDI is a certified interpreter for ASL who possesses native fluency in ASL. CDIs are the preferred method of ASL translation for the hearing impaired community.
12. The Governor's Office notifies the public of this ASL interpretation daily. Specifically, prior to the start of each COVID-19 press conference, the Governor's Office advises New Yorkers about the simultaneous ASL interpretation through e-mail blasts and the Governor's social media accounts. In addition, the link to the simultaneous ASL broadcast is prominently displayed on the Governor's website.
13. This simultaneous interpretation has been reaching the deaf and hearing-impaired community. For example, on March 27, 2020, there were 1,103 views of the simultaneous ASL interpretation of the Governor's COVID-19 press conference. On April 30, 2020, the standard webstream of the press conference received 66,682 views and the simultaneous ASL feed received 4,832 views.
14. Following every daily COVID-19 press conference, the Governor's Office issues a press release that contains information relevant to the press conference through the Governor's website and the email distribution list.
15. In addition to the closed captioning, the simultaneous ASL broadcast, and the email distribution list, the Governor's Office disseminates important information about the

COVID-19 emergency via social media accounts on Facebook, Twitter, and Instagram.

This information is often disseminated simultaneously with the Governor's regular daily COVID-19 press conference.

16. The Governor's Office also provides a written transcript of every regular daily COVID-19 press conference via the Governor's website and through e-mail distribution.

17. In addition, following every regular daily COVID-19 press conference, a video with simultaneous ASL interpretation is posted on the Governor's public facing YouTube page, which is also accessible via a link on the Governor's website.

Dated: New York, New York
May 4, 2020


TIM RUFFINEN